

POLICY BRIEF | **Europe's Role in Promoting the Protection of Children in Migration**

World Vision recommends that the EU and its Member States should take action in five key areas:

- **PRIORITISE** the protection of unaccompanied and separated children arriving in Europe, including through transnational co-operation on migration routes.
- **ENSURE** the provision of adequate reception conditions and timely access to essential services for refugee and migrant children arriving in Europe.
- **HARMONISE** the interpretation by EU Member States of “Best Interest of the Child” in EU Asylum Policy.
- **REVISE** the EU Family Reunification Directive, and ensure the proper resourcing of family reunification services across EU Member States.
- **PROMOTE** the integration of child asylum-seekers and refugees into host communities.

The effective protection and well-being of child refugees and migrants arriving in Europe is a matter of significant concern to World Vision. One in four of asylum seekers and refugees arriving in the EU is a child, and the number of refugee and asylum-seeking children is increasing.

Prioritise the protection of unaccompanied and separated children

Recommendation One: The EU should ensure the protection of unaccompanied and separated children by engaging and cooperating across borders. Transnational protection mechanisms should include case-management and case-tracking of unaccompanied children, and involve UN agencies, national governments and civil society organisations to ensure children have access to a formal, confidential, cross-country, referral pathway.

Unaccompanied and separated children are particularly vulnerable to abuse and exploitation as they journey to Europe. At least 10,000 unaccompanied child refugees have disappeared after arriving in Europe according to the EU’s Criminal Intelligence Agency, Europol. Many refugee children have experienced violence, sexual abuse and trafficking during their time in transit. In order ensure these children are better protected, the EU and its Member States should collaborate with governments along established refugee routes. These governments should appoint a single national authority with child protection expertise, which liaises with other states on the needs of unaccompanied and separated children.



Children need access to correct and consistent information about the procedures for identifying themselves legal minors. It can be



daunting for a young person to identify as an unaccompanied child, particularly when the next steps are unclear. It is important that the protection and communication systems established for children on the move by governments and other international actors should not deter unaccompanied children from identifying themselves. Unfortunately, after identification, many children still continue their journey with limited support and protection. Instead, children on the move should have access to accurate information about protection opportunities and procedures, legal pathways for asylum, and available services in an age-appropriate language and child-friendly manner.

Upon arrival in a final destination, a thorough assessment involving the child needs to be conducted to ensure family tracing and



reunification is carried out in a timely manner. Special child-friendly, age-appropriate care arrangements should be made

available, and access to education, legal support, and psychosocial care provided. If family reunification is not possible or appropriate, long-term solutions should be considered in line with child protection best practices and always reflect the best interests of the child. States should ensure that appropriate measures are taken to reach out immediately to family members and relatives, or, where this is not possible, for qualified guardians to be available and appointed quickly to represent any unaccompanied or separated child.

Family separation can occur along the migration route. Good practices that prevent family separation should be introduced at all points along the route, including practices that allow families to be processed and move together. When family reunification along the route is not possible, provision should be made in the destination country to ensure safe and appropriate reunification.

Access to adequate reception conditions and essential services

Recommendation Two: The EU and its Member States should ensure that refugee children arriving in Europe are given immediate access to adequate reception conditions and to essential services, including timely information on their rights to claim international protection and access to legal services.

Given the important role that the EU plays as an international humanitarian actor, it is important that migrants, and in particular vulnerable children, arriving in Europe are provided with immediate access to adequate reception conditions, and to timely information on their rights to claim international protection and access to legal services. Child-friendly information in relevant languages about the right to claim asylum and how it can be accessed, including at border points, should be provided to children. Staff working in relevant services should receive training on how to engage with children from different cultural backgrounds and with traumatized children, including training in child-friendly interview techniques.

Migrant and refugee children should have access to adequate and safe reception conditions. This means acceptable shelter, food, water and sanitation, and access to education and health services. Psychosocial interventions should also be provided for children, many of whom have experienced conflict, violence and abuse in their countries of origin, and during transit. Child-friendly spaces should be created for children in reception centres to engage in recreational activities that encourage self-expression through art, crafts, and storytelling. For children, the power of play is critical to coping with traumatic experiences, and promotes longer-term mental, social, and emotional wellbeing.



Harmonise the interpretation of “Best Interest of the Child” by EU Member States

Recommendation Three: Clear and practical guidelines should be developed by the European Asylum Support Office (EASO), in collaboration with child rights experts, to ensure a more harmonised application of the “best interest of the child” principle by EU Member States.

The well-being of every child must be prioritised in decision-making that affects children who have fled their homes and who are on the move. The EU’s Dublin III Regulation, which sets the rules for determining the EU Member State responsible for considering applications for international protection, recognises that the “best interest” of the child seeking international protection - whether unaccompanied or not - should be a primary consideration in implementing the Regulation. Article 6 provides some guidance on elements to consider when deciding on the child’s best interests – including (i) family reunification possibilities, (ii) the child’s well-being and social development, (iii) safety and security including trafficking risks, and (iv) the views of the child in accordance with age and maturity.



However, in practice, the “best interests” principle is interpreted in different ways in different member states. The well-being of children on the move should be prioritised in all decision-making that affects their lives, and the principle implemented in a more harmonised manner across EU Member States. World Vision calls on the European Asylum Support Office (EASO), in collaboration with child rights stakeholders, to develop EU practical guidelines on the implementation of the “best interests” principle for EU Member States.

Revising the EU Family Reunification Directive

Recommendation Four: In light of the critical role that family life plays in child protection and well-being, the EU and its Member States should revise the current Family Reunification Directive and produce a clearer legal instrument promoting family reunification with definite rules and less discretion for Member States on restrictions to family reunification.



Family life is one of the basic pillars of all cultures and societies, and it has a very significant role to play in the protection and well-

being of its members. This is especially true where children are concerned because of their age and stage of development. In emergencies or humanitarian situations children rely even more on their family members for a sense of stability, protection and support. Separations can occur for many reasons, but in all cases it increases distress and instability in children and often negatively impacts their capacities to cope and integrate into their new home. The UN Convention on the Rights of the Child (UNCRC) goes further than other legal instruments in defining what the right to family life entails. It refers to the right of the child not be separated from his or her parents against their will, except when competent authorities determine, according to the law, that such separation is in the best interests of the child. It also states that every child separated from his/her family has the right to maintain personal relations and direct contact with both parents on a regular basis, except if this is contrary to the child’s best interests. The UNCRC also specifically recognises the right to enter and remain in a territory so that the child can be reunified with his or her parents.

Family reunification rules remain far from harmonised in the EU, meaning children seeking to be reunited with their families face a number of obstacles. The European Convention on Human Rights and the Charter of the Fundamental Rights of the European Union protect the right to family life. In the European Union, however the right to



family reunification as recognised by the UNCRC is not an absolute right but is instead subject to several conditions and qualifications. Within the EU, different regimes apply based on whether the sponsor is an EU citizen or not. For non-EU citizens, the Family Reunification Directive provides a certain level of harmonisation in the rules guiding family reunification. It applies to all EU Member States except for UK, Denmark and Ireland. Though not bound by the Directive these states have similar family reunification rules. The Directive and national legislations define who falls within the definition of family and determines the conditions under which family reunification can take place as well as the rights of family members once reunited with the sponsor. The concept of family refers mainly to nuclear family and the conditions foreseen include a minimum previous residence of the sponsor in the country, his/her socio-economic status, public security clearance and integration measures.

However many of the Directives' clauses include exceptions to the general rule. Moreover while some measures are mandatory for EU Member States, others are optional or give Member States quite a level of discretion. This means that discretions have repeatedly been used by Member States to establish even more restrictive conditions for family reunification. This has particularly been the case since 2015 when greatly increased numbers of refugees and migrants



started to arrive in Europe. There is a need to revise the Directive and to produce a clearer legal instrument promoting family reunification with clearer rules and less discretion for Member States on restrictions to family reunification. Similarly UK, Denmark and Ireland could further improve the efficiency of their family re-unification schemes. The EU needs to broaden the definition of family for all children. Unaccompanied and separated children should be able to include their siblings in family reunification schemes, and a more culturally sensitive interpretation of family should allow children to join relatives that cared and looked after them back home, which could include adult siblings, grandparents, aunts and uncles.

Family reunification services processing requests involving child refugees and migrants should be properly resourced across EU Member States, and requests expedited within an acceptable period of time, with the child's best interests in mind.

The definition of family for all children should be broadened, particularly for unaccompanied and separated children who should be able to include their siblings in family reunification schemes. A more culturally sensitive interpretation of family should allow children to join relatives who have cared for and looked after them in their home countries, which could include adult siblings, grandparents, aunts and uncles.

Promote the integration of child refugees and asylum seekers into host communities

Recommendation Five: Effective and comprehensive migration management relies on the EU and its Member States ensuring the proper integration of child refugees and asylum seekers into host countries. Children should be resourced and supported to integrate whether they remain in host countries on a temporary or permanent basis.

While integration can be understood differently depending on the country and context, it is essential for all stakeholders, not only as a way of providing cultural and social benefits, but for ensuring the security and stability of societies as a whole. The longer-term alienation and radicalisation of immigrant youth evident in certain European Member States in recent years supports the case for ensuring the effective integration of refugees and asylum-seekers from an early stage. Receiving



communities also need to be assisted to recognise the positive contributions that migrants can make. This two-way integration process is understood to be essential for the existence of thriving, multicultural communities.



Many of these children have come from conflict areas where their school attendance has been interrupted or restricted, sometimes for long periods, or from refugee camps where only a minority of them have been able to obtain any form of education, or attend local schools. It is important therefore that the EU and its Member States tackle the current refugee crisis with a holistic strategy based on humanitarian principles and solidarity. They must actively promote to the social integration of refugees and asylum seekers, including through early targeted measures on education, training, culture and sport.

Children's right to education regardless of their refugee status, for example, as set out in Article 22 of the UN Convention of the Rights of the Child, must be observed by the EU and its Member States. The role of culture, intercultural and interreligious dialogue, non-formal and informal education, and youth and sports policy in fostering the integration and social inclusion of child refugees and asylum seekers must be also be recognised and properly resourced by the EU and its Member States.

Finally, as religious groups and communities often play an important role in the integration process of newly arrived migrants including children and their families, the EU and its Member States should support work with religious leaders of migrant communities. Multi-faith civic education programmes supported by the EU and its Member States can offer civic education for religious leaders from third countries and encourage grassroots, interfaith dialogue and greater tolerance across Europe.

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